

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7589

Petition of Central Vermont Public Service)
Corporation for a Certificate of Public Good)
approving the purchase of electricity pursuant to)
a Power Purchase Agreement with Granite)
Reliable Power, LLC)

and

Docket No. 7590

Petition of Green Mountain Power Corporation)
for a Certificate of Public Good approving the)
purchase of electricity pursuant to a Power)
Purchase Agreement with Granite Reliable)
Power, LLC)

Order entered: 3/4/2010

PROCEDURAL ORDER RE SCHEDULE

At the prehearing conference in these Dockets, parties agreed to a "Settlement Schedule" for both Dockets, which was adopted in our prehearing conference memorandum of February 8, 2010. However, parties could not come to agreement on a schedule that would allow for litigation of the issues. Parties separately filed proposed litigation schedules.

Central Vermont Public Service Corporation ("CVPS") and Green Mountain Power Corporation ("GMP") filed litigation schedules that would result in a decision by the Public Service Board ("Board") by April 30, 2010. The Department of Public Service ("Department") proposed a schedule that would include technical hearings the week of May 17, 2010, and, given the need for briefs, a proposal for decision, and comments on the proposal for decision, would not result in a decision by the Board until early July. No motions to intervene were filed in either docket; consequently, no other party has an interest in the schedules for these dockets.

Pursuant to the terms of the Power Purchase Agreements that CVPS and GMP intend to enter into with Granite Reliable Power, LLC, CVPS and GMP must use best efforts to obtain Board approval by May 1, 2010. Although we recognize that extending the possible date for a Board decision beyond May 1 has ramifications for CVPS and GMP, the Board and the Department have statutory responsibilities to determine whether the proposed Power Purchase Agreements promote the general good of the State. Given resource constraints, it is not possible to conduct the necessary review and provide a Board order by May 1, unless parties reach a settlement.

Accordingly, we adopt the Department's proposed schedule, with some modifications, as set forth below:

DPS discovery on Petitioners	March 9, 2010
Petitioners' responses to discovery	March 16, 2010
DPS files direct testimony	March 31, 2010
Petitioners' discovery on DPS	April 7, 2010
DPS responses to discovery	April 16, 2010
Petitioners file rebuttal testimony	April 23, 2010
DPS files surrebuttal testimony	May 6, 2010
Technical hearings	May 12, 13, and 14, 2010
Briefs	May 28, 2010
Reply briefs	June 4, 2010
Target date for proposal for decision	June 21, 2010
Comments on proposal for decision	June 25, 2010

We note that this schedule does not take into account the possibility of a separate schedule for the review of CVPS's request that the Board find that the proposed Power Purchase Agreement is economically used and useful. It is unclear at this point whether additional time will be necessary to adequately review this request. CVPS has indicated that it is currently in discussions with the Department regarding this request and that it will file an update once these discussions have concluded. It is possible that this schedule may be modified for Docket 7589 to address the used-and-useful issue.

SO ORDERED.

Dated at Montpelier, Vermont, this 4th day of March, 2010.

s/Edward McNamara
Edward McNamara
Hearing Officer, Docket 7589

s/Ann Bishop
Ann Bishop
Hearing Officer, Docket 7590

OFFICE OF THE CLERK

FILED: March 4, 2010

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)